

Lawrence Berkeley National Laboratory

RFP Pre-Proposal Conference Questions and Answers



DOE Source Evaluation Board
January 12, 2005

Questions and Answers

Q.1: Is it DOE's intent to require the University of California, if it bids, to establish a separate pension program from UCRP to cover employees of LBNL?

A.1: No, but see H.21(f).

Questions and Answers

Q.2: Is it DOE's intent to require the University of California, if it bids, to establish separate bargaining agreements covering employees of LBNL?

A.2: No, see H.21(c).

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Q.3: Is DOE willing to amend the RFP to permit alternative proposals and/or limited discussions with proposers on the provisions of H.21(e) and (f) and, for the incumbent, if it chooses to bid, H.41?

A.3: No. Conducting “limited discussions”, as proposed by the Commentator would obviously compromise the SEB’s stated intent of awarding without discussions. Moreover, there is no authority under the Federal Acquisition Regulation for limiting such exchanges once discussions have been initiated. Similarly, allowing the submission of alternative proposals is also undesirable as it increases the prospect that one or more offers would contain provisions that the Government finds undesirable or unacceptable. Accordingly, the SEB will not amend the RFP to permit either the submission of alternative proposals, or to provide for the “limited discussions exclusively on Clauses H.21 or H.41” as proposed by the commentator. However, DOE will amend Clauses H.21(f)(11) and H.41(i) to clarify its obligation under the contract regarding funding of pension and welfare benefits if the contract expires or terminates without a follow-on contract.

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Q.4: Does H.21(e) apply to the University of California? (The pension provisions of that paragraph)

A.4: Yes.

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Q.5: Clause I.103(j). What are some examples of costs to be vouchered? If used, does the contractor get cost of money for costs vouchered and accepted? (Capital Cost of Money)

A.5: The “Vouchering” requirements of Clause I.103(j) could be applied to any and/or all categories of costs arising under the contract; though the requirement is likely to be imposed only on those categories of costs that the Contractor has previously miss-charged. Any such vouchers are subject to the terms of the Prompt Payment Act, including the Act’s interest payment provisions. However, the government will not pay the contractor “cost of money” for the otherwise approved portions of such vouchers.